

21 April 1966

028A CIA 4/21 NX

BALTIMORE (UPI)--A FEDERAL COURT JUDGE HERE IS FACED WITH A LEGAL DILEMMA UNIQUE IN THE ANNALS OF AMERICAN JURISPRUDENCE: IS A U.S. SECRET AGENT IMMUNE FROM THE ORDINARY LAWS OF THE NATION?

THE QUESTION STEMS FROM A CIVIL SLANDER SUIT BROUGHT BY EERIK HEINE, 46, OF REXDALE, ONT., A SUBURB OF TORONTO, AGAINST JURI RAUS, 39, OF HYATTSVILLE, MD., AN ENGINEER FOR THE U.S. BUREAU OF PUBLIC ROADS.

RAUS IS NATIONAL COMMANDER OF AN ESTONIAN EMIGRE ORGANIZATION DEDICATED TO FREEING THE LITTLE BALTIC NATION FROM RUSSIAN RULE; HEINE IS ALSO PROMINENT IN THE SAME CAUSE.

HEINE ALLEGES THAT RAUS SLANDERED HIM BY TELLING OTHER ESTONIAN EMIGRE LEADERS THAT HE (HEINE) WAS IN REALITY A DOUBLE AGENT, SERVING THE RUSSIANS.

HEINE TOLD A DRAMATIC STORY OF CAPTURE AND ESCAPE, OF DARING GUERRILLA RAIDS AGAINST THE RUSSIANS IN ESTONIA IN HIS CAPACITY AS ONE OF THAT NATION'S LEADERS IN THE FIGHT FOR FREEDOM, ACCORDING TO A COPYRIGHTED DISPATCH IN THE WASHINGTON EVENING STAR.

BUT THE CASE TOOK AN EVEN MORE DRAMATIC TURN WHEN RAUS CLAIMED IMMUNITY FROM THE SLANDER SUIT, CITING ABSOLUTE PRIVILEGE AS AN OFFICIAL OF THE U.S. GOVERNMENT--NOT AS AN ENGINEER FOR THE BUREAU OF PUBLIC ROADS BUT AS AN AGENT FOR THE CENTRAL INTELLIGENCE AGENCY (CIA).

AND, WHAT'S MORE, THE CIA, IN AN UNHEARD OF MOVE, IDENTIFIED RAUS AS AN AGENT. IT SAID THAT HE WAS ACTING IN AN OFFICIAL CAPACITY WHEN HE ALLEGEDLY SPOKE AGAINST HEINE, THAT IT HAD DIRECTED HIM TO DO SO.

BEYOND THAT, HOWEVER, THE CIA WOULD NOT GO. IN FACT, THE AGENCY DIRECTED RAUS TO SAY NO MORE ABOUT THE MATTER.

IT IS THERE THE MATTER STANDS NOW. RAUS HAS NOT EVEN FORMALLY CLAIMED THAT WHAT HE SAID ABOUT HEINE WAS TRUE. THE CIA ASSERTS THAT IT WOULD BE "CONTRARY TO THE SECURITY INTERESTS OF THE UNITED STATES" TO DIVULGE ANY MORE INFORMATION.

THUS U.S. DISTRICT COURT JUDGE ROSZEL C. THOMSEN IS FACED WITH THE PROBLEM OF DECIDING WHETHER THE CIA AND ITS AGENTS ARE SUBJECT TO THE ORDINARY PROCESSES OF LAW, OR ARE IMMUNE BECAUSE OF THEIR SPECIAL ROLE IN THE NATION'S DEFENSES.

MP357AES